

**MEDICAL EXAMINING BOARD
MINUTES
JUNE 20, 2012**

PRESENT: Carolyn Bronston; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD; Raymond Mager, DO; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn (joined at 8:37 a.m. by telephone), MD; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD

EXCUSED: Rodney Erickson, MD

STAFF: Tom Ryan, Executive Director; Colleen Baird, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Anne Hletko, Council on Physician Assistants; Judy Warmuth, WHA; Scott Becher, Becher Group; Julie Doyle WAPA; Eric Jensen, WAPA, WI Society of Anesthesiologists

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS (open session), add:
 - h. Bradley A. Bourkland, MD – 12 MED 069
 - Attorney Kim Kluck
 - Case Advisor – Carolyn Bronston
- Item CS-2 (closed session), DELIBERATION OF PROPOSED STIPULATIONS, Insert after page 132:
 - h. Bradley A. Bourkland, MD – 12 MED 069
 - Attorney Kim Kluck
- Item 9m (open session) – Discussion of ACGME-International, is removed from the agenda
- Item 10h (open session) – FAQ – Physician Delegation of Tasks Constituting the Practice of Radiography, is removed from the agenda
- Item CS-5 (closed session) – DELIBERATION OF RESPONDENTS' OBJECTIONS TO ALJ ORDERS DENYING MOTIONS TO DISMISS IN THE DISCIPLINARY PROCEEDING S AGAINST IFTEKHAR H. BADER, MD, AND PAUL L. BERCE, MD, is removed from the agenda
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 16, 2012

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to approve the minutes of May 16, 2012 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

George Pfaltzgraff, MD	11 MED 125
Jerome E. Hutchens MD	11 MED 133
Naiyer Imam, MD	11 MED 323
Christina D. Jackson, RCP	12 MED 064
Leon Cass Terry, MD	10 MED 169
Robert C. Turner, MD	10 MED 324
Marta C. Muller, MD	11 MED 131
Bradley A. Bourkland, MD	12 MED 069

These items will be deliberated in closed session.

EXECUTIVE DIRECTOR MATTERS

Tom Ryan addressed the Open Meetings Law requirement to notice all agenda items a minimum of 24 hours prior to the start of the meeting.

Several Board appointments expire on July 1, 2012. Mr. Ryan will confer with these individuals.

ITEMS FOR BOARD DISCUSSION

DOE Policy Regarding Screening

Jeanette Lytle, DOE Attorney Supervisor and Intake and Monitoring Supervisor, addressed the Board regarding the DOE screening policy. The original policy was effective July 1, 2009 and allowed intake staff to close specific categories of cases prior to the screening panel. The policy has been revised to allow legal oversight and added a reporting component to the boards with the cases that were closed. The policy has been put on hold pending input from the boards. The Board asked for a copy of the policy and the report on the closed cases. Ms. Lytle stated the policy is always open for comments.

FSMB Matters/Maintenance of Licensure

Tom Ryan reported the FSMB will give a telephone presentation at the July 18 Board meeting regarding maintenance of licensure and continuing education.

Wis. Admin. Code MED 8 Update

Gene Musser reviewed Chapter MED 8 updates with the Board. Dr. Musser drafted rules regarding administrative supervision and clinical supervision and submitted them to Legal Counsel Sandy Nowack. This is still a work in progress.

Wis Admin. Code Chapter MED 10 Update

Sheldon Wasserman reported the Wisconsin Medical Society is working with DSPS staff on MED 10. This will be reviewed further at the July 18 Board meeting.

Legislative Report

The Pharmacy Examining Board is moving forward with the rules writing for the PDMP.

Council Appointments

Tom Ryan stated the Board needs to make appointments to several councils affiliated with the MEB. Mr. Ryan will email information to the Board members on the council vacancies. Board members were encouraged to contact individuals who may be interested in council appointments and to have them submit resumes. All resumes received by the agenda deadline will be included for review at the July 18 Board meeting.

Drug Overdoses

The Board reviewed the information from Randy Brown, MD, Assistant Professor, Department of Family Medicine, UWSMPH, regarding drug overdoses.

Medical Examining Board Newsletter

Tom Ryan and Jude Genereaux will review articles for the Newsletter and should have a draft available for the July Board meeting. Dr. Wasserman asked Dr. Vasudevan to develop a one page policy statement on opioid prescribing and drug overdoses. Legal Counsel Colleen Baird reminded the Board that the Governor's Office has a review process for all published items.

Board Outreach

Sandra Osborn has been asked to talk to the faculty at the Department of Pediatrics and the UW Medical School regarding maintenance of licensure. Sujatha Kailas provided Dr. Osborn with a PowerPoint presentation. Dr. Osborn will contact the Department of Pediatrics after the MOL presentation at the July 18 Board meeting.

Gene Musser will give a presentation regarding the MEB to the Rural Hospital Association meeting next week.

SCREENING PANEL REPORT

LaMarr Franklin reported fifty (50) cases were screened. Eighteen (18) cases were opened and thirty two (32) cases were closed.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENTS

None.

OTHER BUSINESS

None.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Sujatha Kailas-yes; Raymond Mager-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 9:26 a.m.

RECONVENE IN OPEN SESSION

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:39 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

FULL BOARD ORAL EXAMINATION(S)

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to grant a license to **Jennifer M. Sabatier, MD**, when all the requirements for licensure are met. Motion carried. Sridhar Vasudevan abstained.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **George Pfaltzgraff, MD (11 MED 125)**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Jerome E. Hutchens, MD (11 MED 133)**. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Naiyer Imam, MD (11 MED 323)**. Motion carried. Timothy Swan abstained.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Christina D. Jackson, RCP (12 MED 064)**. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Sujatha Kailas, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Leon Cass Terry (10 MED 169)**. Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Robert C. Turner, MD (10 MED 324)**. Motion carried unanimously.

Marta C. Muller, MD (11 MED 131) – No Board action was taken.

MOTION: Raymond Mager moved, seconded by Sridhar Vasudevan, to reject the Final Decision and Order in the disciplinary proceedings against **Bradley A. Bourkland, MD (12 MED 069)**. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING(S)

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **11 MED 162** against respondent **M.R., MD**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **11 MED 162 against respondent A.R.R., MD**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **11 MED 387 against respondent V.M.K., MD**. Motion carried unanimously.

CONSIDERATION OF COMPLAINT(S)

MOTION: Carolyn Bronston moved, seconded by Sujatha Kailas, to find probable cause to issue a complaint in the matter of **09 MED 197, 09 MED 305, 09 MED 335 and 09 MED 399**. Motion carried unanimously.

MONITORING

Frank J. Salvi, MD, and Attorney Lester Pines appeared before the Board. Attorney Jeanette Lytle appeared on behalf of the Department.

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to deny the respondent's Motion for Reconsideration in the Matter of Disciplinary Proceedings against **Frank J. Salvi, MD, LS 0707201 MED**, on the basis that the requirements for the granting of a rehearing under 227.49(3) or to vacate or modify any legal or factual findings or conclusions or terms and conditions in the Order have not been satisfied:

- The motion is untimely;
- Respondent has not established a material error in fact or law;
- Respondent has not submitted newly discovered evidence sufficient to warrant reversal or modification of the Order which could not have been previously discovered.

Motion carried. Sandra Osborn and Sridhar Vasudevan were recused during presentations and deliberations and abstained from voting.

CASE CLOSINGS

MOTION: LaMarr Franklin moved, seconded by Kenneth Simons, to close case **12 MED 086 for no violation**. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to close case **11 MED 311 for no violation**. Motion carried unanimously.

MOTION: Carolyn Bronston, moved, seconded Suresh Misra, to close case **11 MED 330 for no violation**. Motion carried unanimously.

MOTION: Kenneth Simons, moved, seconded Sujatha Kaila, to close case **11 MED 401 for insufficient evidence**. Motion carried. Timothy Swan abstained.

MOTION: Timothy Swan, moved, seconded Kenneth Simons, to close case **12 MED 037 for no violation**. Motion carried. Sridhar Vasudevan opposed.

MOTION: LaMarr Franklin, moved, seconded Carolyn Bronston, to close case **12 MED 045 for insufficient evidence**. Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to ratify all licenses and certificates as issued. Motion carried unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

MOTION: Sujatha Kailas moved, seconded by Jude Genereaux to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:41 p.m.